

**“Honour Killing and Role of Khap Panchayats
in India: A Study with Special Reference to
Emerging Legislative and Judicial Trends”**

**Abstract of
Thesis**

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ABSTRACT

Introduction

There is a growing concern among the liberal minded individuals, social and democratic organizations and even international institutions on the rising trend of brutal killings of innocent youngsters in the name of family or clan or honour in India. The United Nations also takes a very serious view of such heinous crimes. The bare brutality of such acts against women is in contravention of the spirit of the ‘United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW)’ which has been duly signed and ratified by India. The prevalence and entrenchment of the caste system and extreme patriarchal ethos in the society at large are the root cause of this social evil.

Basically, the word “Khap” derived from the Hindi word “Khep” which means a region consist of a particular caste. It developed as an institution of Jaats community of Haryana region which believes in inter-gotra marriage. Khap is a gotra based panchayat which leads the group of some villages. Although, Khap have played important role in solving common problems.

At the time when a Khap panchayat fails to solve the critical problem of the member of the society, the Mahapanchayat was called to solve such problem. From ancient time it has been working for the welfare of the society some times as a law maker and to defend them from external attack, to preserve peace and security. Decision of the Mahapanchayat was binding upon every person otherwise such person had to leave the society.

There are gathering of approximately ten to fifteen people constituting Khap panchayat (average age of khap panchayats member is 60 years, uneducated and irrational), who control and make the decision of the lives of the young people. Many people from the village also support these Khaps because of their efficiency in delivering the verdict in a single sitting as against

court proceedings which linger on for years. These people possess undeniable faith in the decisions of khap, since everything is cross-checked to ensure there is neutrality in decisions, and so they can survive from courts where innocent people become subject to harassment of the police sometimes.

Khap Panchayat enforces its diktats through social prohibitions and sanctions, imposes heavy fines or even kills the victims or makes them commit suicide. A lot of young couples are being killed because of breaching the khap rules. Such Khap Panchayats were formed in a democratic pattern consisting of every religion, caste members and also women but now a days they consist of few upper caste peoples. Although Supreme Court, in the case of Manoj Banwala and Babli honour killing case 2007, had declared these Panchayats 'illegal' & called it 'barbaric' on April 19, 2011. Supreme Court requires a strict criminal action against people performing and ruling in Khaps, emphasizing that Khap Panchayats are 'illegal' & the honour killing they enforce to be 'barbaric' & 'shameful', along with demanding action against the police authorities & bureaucrats also who fails to prevent them. According to Supreme Court these Khap Panchayats encourage Honour Killings or other atrocities in an institutionalized way on young boys or girls or both belonging to different casts who are in love or who have been married or are going to get married.

Khap Panchayats taking law in their hands and pronouncing on the invalidity and impropriety of Sagotra and inter caste marriages and handing over punishment to the couple and pressurizing the family members to execute their verdict by any means amount to flagrant violation of rule of law and invasion of personal life and liberty of the person affected. While in Indian law Sagotra marriages are not prohibited by law, but in the view of custom it is being issued to avoid it.

After independence, to dispel any doubts the Hindu Marriage Disabilities Removal Act 1946 was enacted. This act expressly declared the validity of marriages between Hindus to belonging to the same gotra or

different sub division of same caste. In present time Hindu Marriage Act does not prohibited Sagotra on inter caste marriage.

Regarding the constitutionality of Khap Panchayats, although our Indian Constitution has a provision to the organization of village panchayats in every states i.e. Article- 40 and 243(B). Again according to Article- 243(G) these panchayats are conferred with some powers, authorities and responsibilities for the purpose of providing solution for the grass root level problems. It is for sure our Constitution has not provided anything for the establishment of khap panchayats. Our Indian Constitution under Article- 21 has provided us the right to life and personal liberty which includes right to marry through the judicial pronouncement under Article 21. In the case of *Lata Singh v. State of U.P.*¹, Supreme Court held that a person of his/ her choice is valid in accordance with their personal laws.

In the light of this provision under the supreme law of the land peoples are allowed to marry a person of their choice. The main reason behind violation of this fundamental right is the decisions of khap panchayats. These khap panchayats just for their false pride/ honour often ordered the killing of wedded couples or lovers, who in their view cross the social barrier i.e. caste/ gotra/ religion of the society. These khaps are not only supported by the relatives of the concern person but also supported by that society as whole. Even the politicians are seems to be supporting them .

However our parliament shows a common concern on this matter by introducing The Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill-2011, which shows that khaps and their acts are wholly illegal . In the case of (Asha Saini, 19, and Yogesh Jatav, 20, Murder Case 2010) , (case filed by Shakti Vahini, NGO, 2012) the honorable Supreme Court has taken harsh view regarding the decisions of khap panchayat on honour killing. Now the question before us is that in spite of

¹ AIR 2006 SC 2522

Supreme Court decisions why they are continuing to give “Talibani Decisions” and by what authority they are doing so?

We have different legislations on marriage dealing almost every religion along with the “Special Marriage Act- 1954”. These legislations itself provides the grounds on which the marriage will become void/ voidable. The khap panchayats are out right denying this legislation. For example- The Hindu Marriage Act- 1955 prohibits the marriage only on the grounds mention under Section- 5 of the Act. It has no where provide the Gotra/ Caste as the ground for invalidating marriage. The khap panchayat mostly passes their decision on this vary ground. Whereas Section- 5 of The Hindu Marriage Act- 1955 provides only two grounds for invalidating the marriages i.e. Sapinda and Prohibited relations.

It is the need of the day when much hype is given to the concept of human rights along with Fundamental Rights; young people are killed for their false honour in the name of Caste/ Gotra/ Religion. Such decisions and heinous criminal act need to be checked. We have provisions in Indian Penal Code- 1860 dealing with the crime of murder under section-300 and Section-302 punishment for murder. There is need to insert a specific Section as “304(C)” in I.P.C. and a specific legislation as “Prohibition of Honour Killing Act”, by which youth can be protected and if there is any killing, then this murder can be easily justify .

To stamp out the barbaric and feudal practice of ‘honour killings,’ In the case of *Bhagwan Das v. State of Delhi (NCT)*², the Supreme Court directed. “It is time to stamp out these barbaric, feudal practices which are a slur on our nation. This is necessary as a deterrent for such outrageous, uncivilized behaviour. All persons who are planning to perpetrate ‘honour’ killings should know that the gallows await them. According to S.C. the offence of Honour killing should be punished with death sentence as it felt under the category of

² Special Leave Petition (Crl.) No.1208 Of 2011

Rarest of rare case. However it should be put under the category of Rarest of rare or not is also dealt in detail under the Chapter named: Honour Killing- Whether rarest of rare case? So what we come to know of the Khap panchayat is that it is a Jat social structure since medieval times, where a consolidate bunch of several villages or castes. Their main agenda that governs their functioning is that conjugal relations between people belonging to the same gotra are barred because of the fact of “brotherhood” between them. India is a diversified country with a variety of cultures spread in every nook and corner. It will be a total mess if every community starts practicing their own ways to deliver justice as a means of providing justice. And with such chaos all over, how can we even dream of a better organizing in the nation marked by the essential element of “civilization”.

In States like Haryana, each passing day costs the precious lives of so many innocent men and women. The irony is that Haryana stands just a few kilometres from the national capital of the country, and even then the rule of law here begins to change as the scenery changes. The villages here are governed by the Indian laws only on papers, where actually it is the rule of the khap panchayats that prevails out of their vested interests to subdue the women, poor and backward classes. Compelling these acts which the Supreme Court has tagged “Barbaric”, is actually the deficiency of the political will to do something against these “horror killings” which tend to ‘guard’ the “honour shakings” of the country. Politicians and leaders have the fear of losing votes of the Jats, which constitute a dominant caste in such areas.

The UDHR can be read to assert the notion of free will when it comes to marriage in Article 16. Apart from the explicit recognition of marrying out of choice in the UDHR, there are several other guarantees that are complicit in the assertion of free will and choice when it comes to matrimony. For instance, the preamble of the UDHR reaffirms the “faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women”, while also ensuring to uphold the “freedom from fear and want”.

Article 3 espouses that everyone has the right to life, liberty and security while Article 5 prohibits torture and inhuman treatment and/or punishment. Article 8 guarantees effective remedial procedures in national judiciary systems for acts that violate the fundamental rights guaranteed by the national constitution. Article 12 prohibits arbitrary interference with privacy, family, home or correspondence including attacks on honour and reputation. The honour killings occurring everywhere in the world violate every single one of these articles. The UDHR also espouses the right to the protection of law against such attacks by Article 30 which acts as an umbrella right that acts as a barrier against any infringement of the rights enumerated in the UDHR.

On the one hand we see Indian laws has been made on the basis of some traditions and customs, but some evil practice has been restricted and some has been given the binding force as a law but now after independence we have various laws to govern ourselves in our various family disputes. On the other hand giving decision through Khap Panchayats which are not legally recognized, whether this practice is in the violation of already established law relating to the property and matrimonial matters. If the Khap Panchayat will adjudicate all the matters relating to matrimonial then what will be the function and existence of court of justice and the competency of legislature in India. Now the problem is that either these Khap Panchayats should be legally recognized or abolished so far as the opinion of the members of the Khap Panchayat is concerned it is also the public opinion and the public opinion should be recognized as for making law in a democratic setup because the state is made by the public and also the state is the voice of the public .

Despite the fact that in India, woman has attained some rights under various laws including the equality rights under the Constitution of India, but there are still several instances of discrimination and violence committed against her. Some of those are reflected in the phenomenon of killing women on the milieu of the honour of the family. Honour killing is considered to be a

crime that threatens the unity and harmony of the community, and it acts as a barrier preventing woman from enjoying equal rights, equal opportunities and to live a dignified life with her counterparts of her choice. Killing of women on the basis of family honour is considered one of the forms of discrimination against woman and is a stern contravention to her basic human rights. Yet it is an observable fact that continues in India. Honour killing dealt with a barbaric custom of murdering women for immoral activities, at the hands of male family members, including fathers, brothers, and even husbands, to maintain the purity of honour or restore the family honour. The daughters who disobey their parents and decide to marry with a man of their choice are considered to bring dishonour upon their family and commit an offence that could be purified only with blood³. This is the reality where in one hand we are talking about rights, freedom, dignity, choices, privacy, education, developments and other essential for a developed and modern society but on second hand we are borrowing the patriarchal traditions and discriminations, where some of the people on their false and rigid pride made them to involve in the act of the honour killings.

Statement of the Problem

The very notion that universal human rights are applicable to all human beings irrespective of any other consideration is important here. While the idea of “marriage” is a universal one, the terms and conditions of its execution and substance are culturally specific. A liberal view of marriage would consider it to be a matter of individual choice and freedom, whereas some communities – as in this case – consider it to be tied to ideas of lineage, honour and religion. It is obvious that the human right to life is violated by honour killings, but is there something more to this violence? Is there a metaphysical dimension to this idea of physical violence? What is the role of tradition and how does it justify killing people for the sake of honour?

³ Urmila Bhardwaj, Nothing Honourable in "Honour Killing" A Social Stigma, Published on : October 29, 2014, *Available at:* http://www.legalservicesindia.com/article/print.php?art_id=1721 (last visited on July 8, 2016).

An honour killing is the homicide of a member of a family or social group by other member due to the belief of the perpetrators that the victim has brought dishonour upon the family or community. It prevails in almost all the societies without the difference of any modernization and development of civilization. About thousand young man and woman are killed every year because someone in their family, clan, village or caste belief they violate their concept of honour in 21st century by doing such a normal thing like choosing a life partner which incidentally is celebrated by tribal culture. The root cause for its occurrence is the definite mindset that by killing kiths and kin their act can be undo and the family, community and society can get back their honour.

Today, where the societal norms are constantly changing there is always a tiff between the ancient practices being followed and the modern liberal opinion of the youth. India is a democratic country and its citizen has various freedom and rights granted under the Indian constitution. The person residing in India have a right to peaceable assembly and also have right to form an association accept not violative the rights of others, article 21 of the constitution guarantees to the citizens life and personal liberty.

On the one hand we see Indian laws has been made on the basis of some traditions and customs, but some evil practice has been restricted and some has been given the binding force as a law but now after independence we have various laws to govern ourselves in our various family disputes.

A proposed legislation in India which intends to check honor killings is The Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011. It aims to criminalise the intimidation of consenting adults by kangaroo courts for same-gotra marriages, inter-caste, inter-community and inter-religious marriages. The first draft was presented by the Law Commission of India on 20 January 2012. The commission had also released a consultation paper on khap panchayats and honour killings, and sought public opinion on it. The proposed bill seeks to prohibit any person or group of persons to gather and adjudicate or condemn any marriage, which is

not prohibited by law, on the claims that it brings dishonour of a caste, locality or community. Indeed it was a commendable attempt to regulate offence related to honour killing, however the bill is still lacking in various aspects to curb the inhuman act of honour killing. Therefore there is the need to review the proposed bill.

On the other hand giving decision through Khap Panchayats which are not legally recognized, whether this practice is in the violation of already established law relating to the property and matrimonial matters. If the Khap Panchayat will adjudicate all the matters relating to matrimonial then what will be the function and existence of court of justice and the competency of legislature in India. Now the problem is that either these Khap Panchayats should be legally recognized or abolished so far as the opinion of the members of the Khap Panchayat is concerned it is also the public opinion and the public opinion should be recognized as for making law in a democratic setup because the state is made by the public and also the state is the voice of the public.

Objectives of the Study

1. To know who are the Khap Panchayats? What is its constitutional validity?
2. To study the existing practices of Khap Panchayats and review them in the light of present legal system.
3. To identify the reasons which are responsible for decision of the honour killing by the Khap Panchayats?
4. To examine the decision of Khap Panchayats in the light of human right violation and to check its validity.
5. To make a detail case study relating to the topic and its impact on the society.
6. To analyse the role of judiciary in this area.
7. To suggest measures to improve the Khap panchayat system and lay down methods of monitoring and evaluation.

Research Methodology

Keeping in view the nature of problem analytical, descriptive and evaluative methods are adopted. The materials for the present study have been collected from primary as well as secondary sources. The present study also relies on relevant provisions of the constitution as well as laws and government national policies related with the topic. The basic international documents including Universal Declaration on Human Rights have been consulted. The study has also relied on the judgments of the apex court and the high courts.

Hypothesis

1. Decision's of khap effecting day today life of the people.
2. The Khaps still exist even after decision of Apex Court.
3. Khaps working against the Personal laws relating to marriages.
4. We don't have appropriate law to curb the Honour Killing.
5. Adequacy of the punishment for Honour Killing.

Testing of Hypotheses

Following is the summarized position of hypotheses:

The Hypothesis-1 stand proved and it was established that the *Khap Panchayat* is an age old institution, having its foundation in the early medieval period, and it has deep influence on the day to day life of the people. The pronouncements and their functions are discussed in detail by the researcher and on the basis of which it is quite clear that their decisions are affecting the normal life of the people. The political and juridical power that the khaps have affects the life of many to a great extent. In order to act according to the rules older villages try to keep the young people apart. Some schools are also forced to have separate timings for the boys and girls; or girls are not allowed to go to school at all. Fearing their daughters would go astray, many parents marry them off at an early age. People have unquestionable faith in the justice of khap. The question of rights for women does not exist anywhere in the

territories ruled by Khap panchayats. That girls are seldom sent to schools is especially harmful because education can empower various sections of society, and women in particular, more than anything else. In general, women are not well off under the rule of khap panchayats. In some other parts of India where there are Khap Panchayats, women are considered by them as a commodity. The reproductive roles of women are highlighted under this fold. They are not given any rights and expected to obey their fathers before they are married and fulfill their duties as a wife and as a homemaker after they get married. Honour killings are the major reason why khaps have been attracting all the negative media coverage. In recent times, there have been many reports of honour killings in various forms which are more or less being attributed to the khap diktats. Therefore the related hypothesis is hence proved.

The Hypothesis-2 stand proved and it was established that only a legally constituted body that is judiciary has the right to adjudicate the offenses committed by the citizens. The constitution of India gives this power to judiciary but the 'khap panchayats' violated the law of the land. The Supreme Court of India called these 'Khap Panchayats' as *Kangaroo Courts or Katta Panchayats*⁴. In the name of khap a section of people of one particular caste proclaims itself as the cultural representative, refusing to acknowledge the customs and traditions practiced by others in their own neighborhood. It is also evident from the discussion that the institution of khap panchayats is undoubtedly illegal and in number of cases judiciary has also condemned it. But it is also a harsh reality that this Khap Institution is still supported by many political parties and to some extent by our society too. Therefore, it is required that much more awareness should be spread among all the different members of the society.

⁴ *Arumugam Servai v. State of Tamil Nadu*, (2011) 6 SCC 405 and *Ajit Kumar and others v. State of Tamil Nadu*, Criminal Appeal No. 959 of 2011.

The Hypothesis-3 stand proved and it was established that in Hinduism marriage within the same gotra is prohibited, where a gotra is believed to be the group of descendants of a sage who lived in the remote past. Two persons in the same gotra cannot marry even if they come from different linguistic areas. However, same-gotra marriages have been legal under Indian civil law since the Hindu Marriage Act of 1955. Additionally, marriages within certain degrees of consanguinity are considered sapinda and banned in Hinduism. Hindu law givers differ in the definition of sapinda: at one extreme, according to some sources marriages are prohibited within seven generations on the father's side and five on the mother's side. In contrast, other sources allow cross cousins to marry, including first cross cousins. The Hindu Marriage Act bars marriage for five generations on the father's side and three on the mother's side, but allows cross-cousin marriage where it is permitted by custom. The khaps are forcing the peoples to follow the rules in strict sense.

The Hypothesis-4 stand proved and it was established that despite the fact that in India, woman has attained some rights under various laws including the equality rights under the Constitution of India, but there are still several instances of discrimination and violence committed against her. Some of those are reflected in the phenomenon of killing women on the milieu of the honour of the family. The murders come under the general categories of homicide or manslaughter. Sometimes the honour killings are also done by a mob and so when a mob has carried out such attacks, it becomes difficult to pinpoint a culprit. The collection of evidence becomes tricky and eyewitnesses are never forthcoming. But 'Honour Killings' are against International Law on Human Rights and against United Nation agendas. But still even though we don't have any law to deal with it specifically in India but we have judicial precedence over it. There is a bill (The Prohibition of Unlawful Assembly (Interference with Freedom of Matrimonial Alliances) Bill 2011) which is in the latent stage against the honour killings, which are planned to be introduced in the parliament sooner.

The Hypothesis-5 stand proved and it was established that the powers of the khap panchayats need to be curtailed by appropriate Legislation. In India, there is no specific criminal law to deal with the offence of honour crimes. Need is there to either enact a special law or to add specific provisions in order to curb this menace in the Indian Penal Code, 1860 for example 304-C. Cases relating to honour killings should be trialled under fast track courts. There should be amendment in section 113 of the Evidence Act in order to shift the burden of proof on accused, thereby making him responsible to prove his innocence in the act of honour killing by putting it under a new Section namely 113-C. We need a special law that specifies what needs to be looked at during the investigation and prosecution of an honour killing case and that it is not tried broadly as a murder. There need to be detailed examinations; the forensic evidence needs to be collected keeping the motive of honour killing in mind and so on. They need to check what preceded the murder.

Chapterization of the Thesis

Chapter-1: Introduction

The first chapter is the “Introduction” of research work. At the initial stage, the selected area of research work has been identified. After identification of research problem, a synopsis of research work and its basic structure were developed. The main objectives of research study are put forth in this chapter. A review of literature is also put forth in this chapter. A paragraph of hypothesis is constructed in which five assumptions are made. On the basis of research observations, utilizing qualitative and quantitative research method techniques of research methodology, all assumptions are proved. Further, the selection of research problem, statement of research problem, significance of research study, scope of research study are also briefly mentioned in this chapter.

Chapter-2: Historical Development of the Khap institutions and its legal Status

In this chapter researcher after giving a brief introduction of the subject matter of the chapter tries to explain the concept of the Panchayat. For the purpose of better understanding of the term researcher mentioned the Ancient historical development, medieval period development, development during British Rule and the independent India understands of the term panchayat. There after researcher moves on to the historical background of the Khap Panchayats. Researcher finds that the institution Khap is well imbedded in the society in northwest and slightly in north east areas. Researcher then makes a comparison between Panchayats and Khap Panchayats and finds that khap basically based or working in accordance with the gotra, religion and caste. It is found that the Institution of khap is deeply rooted in our society and its decisions are highly effective.

Chapter-3: Status of Marriages under different Personal Laws

The researcher has mentioned in detail about marriages in India. In order to know at what point these Khap's view goes against the laws relating to marriages as provided under the Constitution of India and other personal laws including special marriage act Honour Killing usually done against the marriages in the name of honour. Therefore it becomes necessary to go through the matrimonial laws which are available in our country legalizing the marriages in India. Researcher for that purpose make a detail study of different marriage institutions mentioned in different religions. Researcher finds that the offence of honour killing is usually done against the marriages concluded against the will of parents. This chapter further dealt with an important question of "consent" in marriages which are very important question as there is controversy regarding age of consent to marry in India. As a conclusion the researcher has submitted that there is a need to make the uniform age for consenting the marriage i.e. 18 year for male and female both.

Chapter-4: Honour Killings, Human Rights and Khap Panchayats

This chapter directly deals with the honour killing. It has been found that honour killing is the outcome of the decisions of the Khap Panchayats. This chapter deals in detail all those instances that has occurred relating to the honour killing in different part of the country and this chapter also examined the legality of Khap's decisions regarding honour killing and found that they are held illegal by the courts.

Chapter-5: Legal Frame Work for the Protection of Women and Judicial Response to Honour Killings in India

This chapter starts with the provisions relating to protection of women in the U.N. charter and in other different International Documents. It is found that none of the provision directly provides protection to women against Honour Killing. Further in this chapter provisions relating to women protection in India is discussed in detail. In this chapter researcher further evaluate the role of Judiciary relating to Honour Killing. It was concluded that there are so strong influence of these Panchayats and self determined as quasi judicial bodies among villagers and sometimes even among educated class alike that the State machinery most of the times fails to respond timely to their unfair diktats which are nothing but pure mockery of rule of law.

Chapter-6: The Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011: An Analysis

This chapter is the main operative part of this thesis as in India there is no special law dealing directly with the problem of honour killing. As we know honour killing is the blot on our society and it should be removed and punished with special law. Considering the importance of this matter the parliament has tried to make a law which specially dealt with interference with the freedom of matrimonial alliances. The main aim of this proposed bill was to curb the honour killing. In the present chapter researcher has gone through deeply in

every provisions of this proposed bill and has come out with suggestions which will make the proposed bill much stronger.

Chapter-7: Conclusion and Suggestions

On the basis of this research study, certain conclusions are drawn and some suggestions are also placed for consideration. On the basis of findings of this research study, it is inferred that the problem of Honour killing needs to be addressed urgently.

On the basis of study it is concluded that the institution of khap panchayats is undoubtedly illegal and in number of cases judiciary has also condemned it. But it is also a harsh reality that this Khap Institution is still supported by many political parties and to some extent by our society too. Therefore, it is required that much more awareness should be spread among all the different members of the society.

It can be concluded that the Honour killing and Khap Panchayats are become synonyms to each other. Thus there is urgent need first to curb these Khap panchayats then only the offence of Honour killing dealt.

There are so strong influence of these Panchayats and self determined as quasi judicial bodies among villagers and sometimes even among educated class alike that the State machinery most of the times fails to respond timely to their unfair diktats which are nothing but pure mockery of rule of law. Be it the ordering of gang-rape of women for having an affair with a man of higher caste or the banning of mobile phone use by young girls, the impact of diktats of khap panchayats is profound on the geographical areas where they exist. The political class for the fear of loosing their vote bank and trying their best to ignore the inhuman diktats which shock the very conscience of any civilized human being.

What makes the Khap Panchayat so powerful is that every Khap rules over eighty-four villages, turning them into leaders of powerful vote banks

which are capable of controlling power play of numbers at the time of elections. Khap Panchayats grasp on the lives of the people is an indicator towards the State's inability or unwillingness interventionist role in these affairs.

Regarding the proposed law it submitted that the Bill needs to focus more on prohibiting acts rather than punishing them. As this is a piece of social legislation, it will be very difficult to implement it if its emphasis is on criminalisation. Social legislations which have been proved to be effective focused on prohibition rather than criminalizing. The colonial experience in Bengal by which Satis and Female infanticide could be considerably reduced offer models for emulation. It was through a concerted action of the administration supported by law that success could be achieved. The method was intense, whenever there was a death of a male member, appropriate authorities cause to send officials both police and administrative to make sure that sati is not performed by overseeing the funeral. These were measures taken at the grass root level and were so effective that the number of incidents of sati reduced drastically. Female infanticides were controlled by periodical visits by the local authorities to assess the well being of the girl child born when information is passed on by designated authorities.

The phrase 'unlawful assembly' present throughout the Bill, creates vagueness as it is already defined in Section 141 of the IPC with its own requirements. Therefore, this phrase needs to be swapped with a neutral expression. Even the word 'association' may not be appropriate as an association has a feature of permanence, organization and administrative nucleus, which is missing in a Khap Panchayat or a motley crowd. Therefore, the most viable option is to amend Section 141 IPC to incorporate the assembly indicated in this Bill.